

REMARKS

I. Introduction

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-5 and 10 are requested to be canceled. The cancellation of claims does not constitute acquiescence in the propriety of any rejection set forth by the Examiner. Applicant(s) reserve the right to pursue the subject matter of the canceled claims in subsequent divisional applications.

Claim 11 is currently amended and claims 6-9 are withdrawn. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Upon entry of this Amendment, claims 6-9 and 11-12 will remain pending in the application.

Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

II. Response to Issues Raised by Examiner in Outstanding Office Action

a. Claim Objections

Claims 1, 3-5 and 10 are objected to because they do not define the acronym ATB^{o+}. Applicants have canceled claims 1, 3-5 and 10 rendering this objection moot. Applicants request withdrawal of the objection.

b. Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claim 10 is rejected by the Examiner under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Solely in order to further prosecution, and not in acquiescence to the Office's arguments, Applicants have cancelled claim 10 rendering the rejection moot. Applicants respectfully request reconsideration and withdrawal of the rejection.

c. Claim Rejections - 35 U.S.C. § 102

Claims 1-5 are rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Hatanaka et al. (2002, Journal of Pharmacy and Pharmacology, volume 54, pages 549-554, published April 2002). The Office asserts that Hatanaka allegedly anticipates the current invention because “Hatanaka teach that L-Phenylalanine inhibits the Na⁺-dependent uptake of the B^{0,+} or the amino acid transporter ATB^{0,+} meeting the limitations of claim 1 and 3.” Office Action, p. 7. Solely in order to further prosecution, and not in acquiescence to the Office’s arguments, Applicants have cancelled claims 1-5 rendering the rejection moot.

Claims 1 and 11-12 are rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Sloan et al. (1999, The Journal of Biological Chemistry, Volume 274, pages 23740-23745). As an initial matter, Applicants note that original claims 4-5 were considered free of this prior art reference. The teachings of Sloan are restricted to 2-aminobicyclo-[2.2.1]-heptane-2-carboxylic acid as an ATB^{0,+} inhibitor and does not encompass L-amino acids, NOS inhibitors, phenylglycine derivatives, carnitines, D-amino acids, or amino acid-based prodrugs. As noted above, Applicants have canceled claim 1. Applicants have incorporated the limitations of original claim 5 into claim 11. As Sloan does not teach all of the limitations of current claim 11, Sloan cannot properly be used as an anticipatory reference.

Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date Jan. 22, 2008

By 

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